



W.P.No.4488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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J.Saroja

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road
Mandavallipakkam,
Chennai – 600 028.

2.The Additional Registrar,
Department of Registration (Investigation),
No.100, Santhome High Road
Mandavallipakkam,
Chennai – 600 028.

3.The Sub Registrar,
Registration Department,
No.2, Sothupakkam Road,
Palavayal
Red Hills,
Chennai – 600 052.

4.S.Prabhu

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus to call for the records



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pertaining to the proceedings vide Moo.Mu.No.45851/G2/2022 dated 09.01.2023 passed by the second respondent and quash the same as illegal and further for a direction to cancel the Marriage Certificate registered vide Registration No.44 of 2013 viz., M.C.No.97 of 2013 dated 09.05.2013 at the Office of the third respondent herein considering the petitioner's representations dated 22.09.2021 and 20.12.2022 in accordance with law.

For Petitioner : M/s.Karthikaa Ashok
For Respondents : Mr.T.Chezhiyan for R1 and R3
Additional Government Pleader
R4 – NRN

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings vide Moo.Mu.No.45851/G2/2022 dated 09.01.2023 passed by the second respondent and quash the same as illegal and further for a direction to cancel the Marriage Certificate registered vide Registration No.44 of 2013 viz., M.C.No.97 of 2013 dated 09.05.2013 at the Office of the third respondent herein considering the petitioner's representations dated 22.09.2021 and 20.12.2022 in accordance with law.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is the Mother of one J.Latha. The said Latha married one S.R.Ramaraj on 24.10.2007 and thereafter there was matrimonial dispute between them and their marriage was dissolved vide decree of divorce dated 25.05.2009 in O.P.No.2772 of 2008 by the learned I Additional Principal Judge, Family Court, Chennai. Thereafter the said Latha fell in love with the fourth respondent who informed her that he is also a divorcee and their marriage was solemnized on 01.02.2013. On 17.07.2019, the fourth respondent picked the petitioner's daughter Latha from her home at 7.30. a.m., and within a few minutes they met with an accident and the said Latha died on the spot. Thereafter the petitioner came to know that the fourth respondent had not dissolved the first marriage by a decree of divorce and that the fourth respondent fraudulently married her daughter and that the fourth respondent is taking steps to claim compensation for the death of her daughter. Hence, the petitioner made representation to the respondents seeking to cancel the Marriage Certificate registered vide Registration No.44 of 2013, however, the second respondent passed the impugned order rejecting the request of the petitioner on the ground that they have no power to



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cancel the marriage certificate.

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3.The learned counsel appearing for the petitioner further submitted that when the first marriage is in subsistence, the fourth respondent performing second marriage with the petitioner's daughter is fraudulent one. Hence, this Court may grant liberty to the petitioner to approach the civil Court as against the fourth respondent in the manner known to law.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to work out the remedy before the civil Court in the manner known to law. The the proceedings vide Moo.Mu.No.45851/G2/2022 dated 09.01.2023 passed by the second respondent is subject to the result of the civil suit that is to be filed by the petitioner.

5.The writ petition is accordingly disposed of. No costs.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road
Mandavallipakkam,
Chennai – 600 028.
- 2.The Additional Registrar,
Department of Registration (Investigation),
No.100, Santhome High Road
Mandavallipakkam,
Chennai – 600 028.
- 3.The Sub Registrar,
Registration Department,
No.2, Sothupakkam Road,
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